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JAMES E. SALVEN
Chapter 7 Trustee
8427 N. Millbrook Ave., Ste. 101
Fresno, California 93720
(559) 230-1095

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In the Matter of

Case No. 10-12314-B-7

DC No. JES-2

MINERAL KING CONSTRUCTION,
INC.,

TRUSTEE'S MOTION TO SELL
PROPERTY OUT OF THE
ORDINARY COURSE OF
BUSINESS AT PUBLIC AUCTION

Debtor(s).

Date: June 9, 2010
Time: 10:00 a.m.
Dept: B

TO THE HONORABLE W. RICHARD LEE, UNITED STATES BANKRUPTCY
JUDGE:

James Salven respectfully represents:

1. He is the duly appointed, qualified and acting trustee of
the above-entitled estate.

2. The above-captioned case was filed under Chapter 7 on
05/05/2010.

3. This Court has jurisdiction over this proceeding by
virtue of 28 U.S.C. §1334(a). This is a "core" proceeding pursuant
to 28 U.S.C. §157(b) (2) (A) (N). This motion is brought pursuant to
11 U.S.C. §363.

4. Among the assets of this estate are vehicles, equipment,

1 tools and supplies listed in Exhibit "A" (attached to the Notice to
2 sell property at Auction).

3 5. The trustee wishes to sell the subject assets for the
4 benefit of the estate. The Trustee has elected to sell the
5 property at a public auction to be held on or after June 9, 2010.

6 6. The application of employment of an auctioneer to conduct
7 the auction of said property has been previously filed by this
8 Court. The Auctioneer is Ritchie Bros. Auctioneers in Tipton, CA,
9 also with offices in Sacramento, CA.

10 7. The auctioneer's compensation for undertaking this
11 assignment is as follows: 15% gross sale proceeds with a 10%
12 buyer's premium. Included in the commission will be the
13 auctioneer's necessary expenses, including but not limited to,
14 pick-up transport, storage, and other costs of sale.

15 8. The trustee is informed and believes the said personal
16 property is not subject to any liens or encumbrances.

17 9. The trustee believes that confirmation of said sale on
18 the terms set forth above is in the best interest of the creditors
19 of this estate and all parties in interest.

20 WHEREFORE, the Movant prays as follows:

21 For an order approving the public auction sale of
22 the subject property described above, to be held on or after June
23 9, 2010 at Ritchie Bros. Auctioneers.

24
25
26 DATED: 4/29/10



JAMES E. SALVEN,
Movant